



Oral Statement presented 25th October 2022, 73rd Ordinary Session of the African Commission on Human and People's Rights – International Conference Center, Banjul The Gambia. 21st October to 9 November 2022. Item 10: Activity Report of Commissioners and Special Mechanisms (Interventions): Working Group on Economic, Social and Cultural Rights.

Chair of the Commission, Dear Commissioners, Representatives of AU Member States, Representatives of National Human Rights Institutions, Colleagues of the NGO community, All protocols are duly followed, ladies and gentlemen,

Public-Private Integrity is concerned about the inadequate sanctions regimes in place by ACHPR member states against those who support acts of bribery, particularly in cases where it is important to secure licenses and massive draining of the treasury of politically and economically weak states.

The cases we have learned about through close observation and investigation concretely illustrate the concepts you are grappling with - inequality before the law, arbitrariness and discrimination.

Unaddressed, large-scale bribery and related corrupt practices by certain wealthy and politically powerful elites will continue to undermine the rule of law and respect for human rights, to the detriment of the population.

Certain reasons make this exploitation possible: the ability of political elites to abuse and conceal government procurement contracts and thwart law enforcement, inadequate oversight of public services and maintaining ability to maintain secrecy.

So far, enforcement of sanctions and standards across the African Union has been inadequate. An uninterrupted stream of cases has uncovered several secret bank accounts in recent years. Additionally, layers of built-in secrecy and protection for enablers and perpetrators mean we have more work up our sleeves.

We must be vigilant. An overview of current sanctions regimes across Africa illustrates the scale and nature of the problem. I give three examples here. Public-Private Integrity welcomes the opportunity to support full monitoring and reporting to this body from across the African Union on the sanctions regime.

Dear Commissioners, In Nigeria, during the military dictatorship of General Sani Abacha, an oil minister was bribed to obtain oil licenses for a company at odds with the Nigerian authorities. The bribery scandal involved several political figures in Senegal, the Republic of Congo and Nigeria who were linked to the licensed oil company at the center of the bribery. Dear Commissioners, Atiku Bagudu, current governor of Kebbi state in northeastern Nigeria and a known money launderer for Abacha, is a son-in-law of Umara Ali Shinkafi, who took bribes from foreign companies. An act that definitely contributes to the deterioration of governance and fragrant disregard for the rule of law. To

date, no sanctions have been imposed on Atiku Bagudu or any member of his household, as well as on several others in Nigerian civil service involved in multiple corrupt practices, which constitute a violation of human rights¹.

In The Gambia, decisions by a Janneh Commission of Inquiry against individuals and groups of authorities have been overturned and the 38 individuals and groups mentioned in the Commission's report, including five foreign organizations, remain involved in corrupt practices resulting in a large group of corruption victims and, moreover, have led to human rights violations with impunity. Dear Commissioners, With the exception of the former President of The Gambia, whose entire estate was confiscated, the other entities mentioned in the Janneh Commission report are free to retain ownership of their loot. Isn't that selective justice? Gambia's national resources are being lost, the impact is being felt negatively through poor public service delivery, but no sanctions have been imposed on the identified corrupt interest now in charge of the economy and/or living in exile².

In Equatorial Guinea, Antonio Oburu, the CEO of the state oil company, has been accused of siphoning off oil profits, while reports link him to luxury real estate around the world. In 2021, the US government returns Equatorial Guinea millions confiscated from the Vice President, a son of the President of Equatorial Guinea. We have no means to verify how the recovered assets benefit ordinary people. The authorities have completely ignored what this august meeting stands for, which is equality before the law. To date, the AU, its organs and state parties have not imposed sanctions on those who cheat state funds³.

Systemic corruption has emerged in Cameroon and embezzlement of public funds is widespread, but there have been no sanctions against the long list of identified corrupt officials. Cameroonians are among the larger groups of irregular migrants on the continent. While the Republic of Congo is a major oil producer, its people suffer from poverty, live in darkness and all they get from gas flaring is pollution. Alvaro Sobrinho, an Angolan banker, Gaddafi-era officials and Egyptian tycoon Hussein Salem are all symbols of nepotism and corruption, all roaming free on our streets as if nothing happened⁴.

Dear Commissioners, We would like to recall the 1996 ACHPR Action Plan against Impunity, adopted at the 19th Ordinary Session of the ACHPR and subsequently endorsed at the 64th Ordinary Session of the Council of Ministers in Yaoundé, Cameroon. We would urge AU member states, and encourage those who have not already done so, to encourage the use of sanctions against individuals in Africa. As a deterrent to impunity on the continent.

Dear Commissioners, thank you for giving me the floor.

About PPI: is an anti-corruption civil society organization, Public-Private Integrity (PPI), demand integrity, test different models of depravity and values the application of relevant anti-corruption tools available to combat corruption and uphold human rights. PPI enjoy Observer Status number 300.

¹ Organized Crime and Corruption reporting Project (OCCRP), Stories from the vaults: Suisse secretes, available at : <https://www.occrp.org/en/suisse-secrets/> accessed 17 October 2022

² Attorney General Chamber and Ministry of Justice, Janneh Commission Report, available at: <https://www.moj.gm>, accessed 17 October 2022

³ Organized Crime and Corruption reporting Project (OCCRP), Stories from the vaults: Suisse secretes, available at : <https://www.occrp.org/en/suisse-secrets/> accessed 17 October 2022

⁴ Ibid